

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5720 of 2024**

Arising Out of PS. Case No.-42 Year-2022 Thana- DHANSOI District- Buxar

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Veer Singh @ Vir Singh S/o Late Nand Kishor Singh Resident of village-
Bharkhara, PS - Dhansoi, District- Buxar

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Bindeswari Rajak S/o Late Pujan Rajak R/o vill - Bharkhara, P.S. - Dhansoi,
distr.- Buxar

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Surendra Kumar Choubey, Adv.
For the Respondent/s	:	Mr. Ravi Shankar Pathak, Adv.
For the State	:	Mr.Sadanand Paswan, Spl.PP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 03-04-2025 Heard learned counsel for the appellant, learned
counsel for the respondent no. 2 and learned Spl. P.P. for the
State.

2. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the rejection of prayer of bail of
the appellant vide order dated 12.11.2024 passed by the learned
District & Additional Sessions Judge-1-cum- Special Judge,
SC/ST (PoA) Act, Buxar in connection with SC/ST Case No. 99
of 2022 arising out of Dhansoi P.S. Case No. 42 of 2022 dated
07.03.2022 registered for the alleged offences punishable under
Sections 341, 323, 307, 504 and 506 of the Indian Penal Code



and Sections 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (PoA) Act.

3. As per prosecution case, when the informant's son namely Rakesh Rajak was going to medicine shop and in the way, the appellant and the co-accused persons abused and assaulted him. On getting the information of the same, the informant with his elder son Raju Rajak reached there and tried to intervene then the co-accused, Raj Kumar Singh abused the informant by calling his caste name. It is further alleged that the appellant tried to assault his son but his son Raju Rajak hid himself. Thereafter, all the accused persons assaulted the informant with rod on his head causing injury. The informant received injuries in his left and right hands. The accused persons abused him by calling his caste name and also threatened him that if he would make complaint then he would be killed.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. There is no specific allegation against the appellant rather the allegation is general and omnibus in nature. It is further submitted that no member of public was present at the relevant point of time of the incident and hence, no offence under provisions of SC/ST Act is made out against the appellant. As



per the injury report of the injured, the injury nos. 1 and 2 are simple in nature whereas the opinion of the injury nos. 3 and 4 are kept reserved. Nothing has been recovered from the conscious possession of the appellant. The appellant has no concern with the alleged offense. The appellant is in custody since 27.10.2024. The appellant has clean antecedent as stated in para 3 of the bail petition.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 have opposed the prayer for bail of the appellant.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 12.11.2024 passed by the learned District & Additional Sessions Judge-1-cum- Special Judge, SC/ST (PoA) Act, Buxar in connection with SC/ST Case No. 99 of 2022 arising out of Dhansoi P.S. Case No. 42 of 2022, is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned District & Additional



Sessions Judge-1-cum- Special Judge, SC/ST (PoA) Act, Buxar
in connection with SC/ST Case No. 99 of 2022 arising out of
Dhansoi P.S. Case No. 42 of 2022.

(Chandra Prakash Singh, J)

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